

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

RICHARD W. GOULD

CR. NO. 04-10248-RCL

ASSENTED-TO MOTION TO CONTINUE SENTENCING HEARING

Defendant Richard W. Gould, by and through undersigned counsel, hereby moves to continue his sentencing hearing from Tuesday, May 30, 2006 until a date after July 14, 2006 that is convenient for the Court.

In support of this motion, undersigned counsel states that Assistant United States Attorney David Tobin has not yet provided undersigned counsel with the exculpatory evidence required by Local Rule 116.2(B)(4) including, without limitation, Mr. Alviti's criminal record. Moreover, upon information and belief, Mr. Tobin's other professional commitments, including a recent jury trial, have prevented him from interviewing Mr. Alviti and providing undersigned counsel with a summary of said interview.

In addition, upon information and belief, Mr. Alviti's attorney, John LaChance, is currently engaged in a state murder trial and, as a result thereof, Mr. Tobin has been unable to schedule a meeting with Mr. Alviti and Mr. LaChance to obtain the discoverable information he is required to disclose. Accordingly, additional time is needed by the government's counsel and, thereafter, by defendant's counsel, to fully prepare for the issues that will be raised during defendant's sentencing hearing.

Also, the government assents to defendant's request.

WHEREFORE, defendant Gould respectfully requests that the Court grants this motion to continue his sentencing hearing from Tuesday, May 30, 2006 until a date after July 14, 2006 that is convenient for the Court.

Respectfully submitted
By Defendant,
RICHARD W. GOULD
By his attorney,

/s/ Scott P. Lopez
Scott P. Lopez
Law Office of Scott P. Lopez
24 School Street, 8th Floor
Boston, MA 02108
(617) 742-5700

Dated: May 23, 2006

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that I have previously conferred with counsel for the government, Assistant U.S. Attorney David G. Tobin, in a good faith attempt to resolve or narrow this issue in this motion.

/s/ Scott P. Lopez
Scott P. Lopez

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 23, 2006.

/s/ Scott P. Lopez
Scott P. Lopez